

**MEMO ENDORSED**

U.S. Department of Justice

United States Attorney  
Southern District of New YorkThe Jacob K. Javits Federal Building  
26 Federal Plaza, 37th Floor  
New York, New York 10278

October 21, 2024

**BY ECF**The Honorable Lewis A. Kaplan  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York**USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 10-22-24****Re: United States v. Claudia Isabel Mercado Scalzo, S2 21 Cr. 359 (LAK)**

Dear Judge Kaplan:

On October 17, 2024, following the sentencing of defendant Claudia Isabel Mercado Scalzo, the Court issued a Judgment specifying the defendant's offense of conviction as the "[l]esser included offense" of Count Two of the S2 Superseding Indictment. (Dkt. 266). The Government writes, pursuant to Federal Rules of Criminal Procedure 36 and 35(a), to respectfully request the Court correct the Judgment to indicate the defendant pleaded guilty and was convicted of both Count One and Count Two of the S2 Superseding Indictment.

As described in the defendant's Amended Presentence Investigation Report dated September 24, 2024 ("PSR"), which the Court adopted at sentencing, the defendant initially pleaded guilty to the lesser-included offense of Count Two but later repleaded guilty to both Counts One and Two. (PSR ¶ 5 & n.1). Specifically, on April 23, 2024, in an appearance before Magistrate Judge Tarnofsky, the defendant withdrew her prior guilty plea and pleaded guilty to both Count One and Count Two. On April 26, 2024, the Court issued an order accepting the defendant's new plea.

The Court's April 26 order and the docket entries of the April 23 plea are presently sealed. To facilitate the correction of the Judgment, the Government respectfully requests that the Court unseal the docket entries corresponding to the defendant's April 23 plea before Judge Tarnofsky, as well as the Court's April 26 order accepting the defendant's plea.

**Granted  
SO ORDERED**

LEWIS A. KAPLAN, USDC